

## Chapter 9-10

### STREET OBSTRUCTIONS

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#### **Section 9-10-01 OBSTRUCTING STREETS**

Whoever remains standing, lying or sitting down on any of the sidewalks, streets, alleys or public places in such a manner as to obstruct or impede the free passage of pedestrians or public travel, after being requested to immediately move on by any police officer, City Clerk Licensing Enforcement Officer, or Code Enforcement Officer or any police officer, or who wilfully remains on the sidewalk in front of any dwelling house or place of business which abuts on any of the sidewalks in this City, in such manner as to obstruct the free passage of any other person into or out of such dwelling house or place of business, without the consent or against the will of the proprietor, shall be deemed guilty of a misdemeanor; provided that this section shall not prohibit the operation of a sidewalk cafe pursuant to a permit issued by the City Clerk or licensed under Boise City Code, Title 5, Chapters 5 or 12. (1922 Code, Sec. 614; 1936 Code, Sec. 10-901; 1952 Code, Sec. 19-1401; Ord. No. 5467, Amended, 07/20/93)

#### **Section 9-10-02 PUBLIC PLACES; CAMPING IN**

It shall be unlawful for any person to use any of the streets, sidewalks, parks or public places as a camping place at any time, or to cause or permit any vehicle to remain in any of said places to the detriment of public travel or convenience; or to cause or permit any livestock of any description to be herded into any of said places during any hours of the day or night provided that this section shall not prohibit the operation of a sidewalk cafe pursuant to a permit issued by the City Clerk. The term "camp" or "camping" shall mean the use of public property as a temporary or permanent place of dwelling, lodging, or residence, or as a living accommodation at anytime between sunset and sunrise, or as a sojourn. Indicia of camping may include, but are not limited to, storage of personal belongings, using

tents or other temporary structures for sleeping or storage of personal belongings, carrying on cooking activities or making any fire in an unauthorized area, or any of these activities in combination with one another or in combination with either sleeping or making preparations to sleep (including the laying down of bedding for the purpose of sleeping). Law enforcement officers shall not enforce this camping ordinance when the individual is on public property and there is no available overnight shelter. The term “available overnight shelter” is a public or private shelter, with an available overnight space, open to an individual or family unit experiencing homelessness, at no charge. If the individual cannot utilize the overnight shelter space due to voluntary actions such as intoxication, drug use, unruly behavior, or violation of shelter rules, the overnight shelter space shall still be considered available.

This section does not affect Sections 13-03-05(E) or 13-03-09(A), which do not prohibit sleeping in a public park during hours of operation.

(Ord-38-14, Amended, 9/23/14: 6757, Amended, 11/10/2009; 1922 Code, Sec. 615; 1936 Code, Sec. 10-902; 1952 Code, Sec. 19-1402; Ord. No. 5467, Amended, 07/20/93)

**Section 9-10-03                    SELLING ON STREETS**

It shall be unlawful for any person, whether licensed auctioneers or not, to sell or offer for sale at public sale any property whatever on any street or sidewalk within the City; provided, however licensed under Boise City Code, Title 5, Chapters 5 or 12 that this Section shall not apply to any sheriff, constable or public officer offering property for sale by reason of any Law of the State and the provisions of this Code provided further, that this section shall not prohibit the operation of a sidewalk cafe pursuant to a permit issued by the City Clerk.

(1922 Code, Sec. 620; 1936 Code, Sec. 10-906; 1952 Code, Sec. 19-1403; Ord. No. 5467, Amended, 07/20/93)

**Section 9-10-04 Repealed Ord-10-14 PARADES**

(1922 Code, Sec. 623; 1936 Code, Sec. 10-911; 1952 Code, Sec. 19-1404)

**Section 9-10-05                    LOAFING; LOITERING**

Loitering, loafing and standing around, near or in close proximity of the stands of vehicles for hire is hereby prohibited.

(1922 Code, Sec. 625; 1936 Code, Sec. 10-913; 1952 Code, Sec. 19-1406)

It shall be unlawful for any person to loaf or loiter in or about the streets, alleys or public places in the City; or to loaf or loiter in or about any cigar store, soft drink establishment, newsstand, pool hall, restaurant, store, depot, hotel or place of business.

(1922 Code, Sec. 626; 1936 Code, Sec. 10-914; 1952 Code, Sec. 19-1407)

It shall be unlawful for any person to loaf or loiter in or around any automobile within a district bounded on the north by Washington Street, on the east by Fifth Street, on the south by Front Street, and on the west by Thirteenth Street, and any police officer may require any such automobile to be removed from the streets.

(1922 Code, Sec. 627; 1936 Code, Sec. 10-915; 1952 Code, Sec. 19-1408)

**Section 9-10-06                    BELLS; GONGS**

It shall be unlawful for any person, for or in connection with any trade, business or occupation, to

make or cause loud, clamorous or offensive noises in the streets or public places by means of voice, drum, gong, cymbal, horn, radio, loudspeaker or other instrument; provided, however, that this provision shall not apply to noises ordinary and usual in the orderly conduct of newspaper sales or to bells or chimes located at and upon the church grounds of a duly recognized sect, or to parades, dances, shows, carnivals, circuses, entertainments, or theaters, which have been so licensed or authorized in accordance with the provisions of this Code; provided further, that upon application being made therefor, the Council may in its discretion and upon such conditions as it deems proper, grant a permit to any person having an established place of business to conduct or provide, at such place of business, entertainment relating to Yuletide activities or festivities. No such permit shall be granted by the Council for any day other than on or between the tenth and twenty-fifth day of December. Any permit granted hereunder may be revoked by the Council at any time.

(Oared. 2002; 1952 Code, Sec. 19-1412; Oared. 2431;11-7-59)

#### **Section 9-10-07            PENALTY**

Any person using or causing to be used a bell, drum, gong, cymbal or other instrument or instruments offensive to the sense and calculated to make and making loud and clamorous noises on any of the streets, alleys or in any public places or buildings in Boise City, shall be deemed guilty of maintaining a nuisance.

(1922 Code, Sec. 645; 1936 Code, Sec. 10-924; 1952 Code, Sec. 19-1413)

#### **Section 9-10-08            BOOTBLACK STANDS**

It shall be unlawful for any person to establish, and maintain, in or upon any of the streets or sidewalks or in front of any place of business in the City any unenclosed stand, chair or contrivance where boots and shoes are shined, blackened or polished. Any person violating the provisions of this Section shall be deemed guilty of a misdemeanor.

(1922 Code, Sec. 647; 1936 Code, Sec. 10-925; 1952 Code, Sec. 19-1414)

#### **Section 9-10-10            PERMITS REQUIRED**

No person shall place on a public street any materials or appliances for the use or construction, alteration or repair of any building of any kind or for any other purpose, necessitating temporary occupancy of any portion of any public street or sidewalk without first obtaining a permit therefor from the Commissioner of Public Works.

(1922 Code, Sec. 1016; 1936 Code, Sec. 10-1301; 1952 Code, Sec. 14-1101)

#### **Section 9-10-11            LOCATION OF MATERIALS**

Materials or appliances shall not occupy more than one third (1/3) of the width of the roadway of the street, and not more than one half (1/2) of the width of any sidewalk, and shall be placed thereon to the satisfaction of the Commissioner of Public Works. In no case shall such material or appliances be placed or caused to be placed within six feet (6') of any railroad or street car track, or ten feet (10') of any fire hydrant

(1922 Code, Sec. 1017; 1936 Code, Sec. 10-1302; 1952 Code, Sec. 14-1102)

All material shall be confined to and occupy only such portion of the street as the permit may designate, and all sand, gravel, dirt, debris and other materials of any kind, shall be so cared for that they shall not be scattered or blown or otherwise moved to any other portion of the street, or interfere in any way with the carrying on of any business, or the enjoyment of any property rights, or the privileges of the public

thoroughfare. It is further provided, that no materials of any kind or nature shall be deposited in any gutter way of the street so as in any manner to obstruct the drainage thereof.  
(1922 Code, Sec. 1018; 1936 Code, Sec. 10-1303; 1952 Code, Sec. 14-1103)

#### **Section 9-10-12            REMOVAL OF MATERIALS**

The permit herein required shall be granted only to the owner or agent of the owner of the lot or premises on which a building or in front of which a sidewalk or other work is proposed to be constructed, altered or repaired. The permittee thereof must remove or cause to be removed all dirt, debris and other material of any kind from the street, or sidewalk, to the satisfaction of the Commissioner of Public Works, immediately after the completion of the construction, alteration or repair of such building, sidewalk or other improvement, or at such time prior thereto, when in the judgment of the Commissioner of Public Works, the public interest or convenience will be best subserved by the removal of the same or any portion thereof. In the event such dirt, debris or other material shall not have been removed within the time herein specified, the Commissioner of Public Works may remove the same and charge the expense of such removal to the owner. Every permit granted under the provisions of this Chapter shall be subject to the foregoing conditions.

(1922 Code, Sec. 1019; 1936 Code, Sec. 10-1304; 1952 Code, Sec. 14-1104)

#### **Section 9-10-13            OCCUPANCY TIME**

The Building Inspector shall prescribe in the permit granted the time for such occupancy of the street, and upon the failure or neglect of the permittee to remove or cause to be removed, to the satisfaction of the Commissioner of Public Works, such dirt, debris or other materials within two (2) days after being notified so to do by said Inspector either by verbal or posted notice on the premises, the same shall be removed by the Commissioner of Public Works as herein provided.

(1922 Code, Sec. 1020; 1936 Code, Sec. 10-1305; 1952 Code, Sec.14-1105)

#### **Section 9-10-14            BARRIERS TO BE ERECTED**

Every person temporarily occupying any public street or sidewalk, as in this Chapter provided, shall safeguard the public interest by erecting barriers at or near either approach of said obstruction, and shall during the period from one hour after sunset to one hour before sunrise, display thereon a red light, visible at least two hundred feet (200') in the direction in which the travel is proceeding; provided, that any vehicle left standing in the street during the nighttime shall be safeguarded by lights as in this Section provided; and, provided further, that no vehicle shall be left standing in alleys within Fire Zone No. 1 during the nighttime, and in all other portions of the City the alleys shall not be occupied by vehicles in a manner that will obstruct traffic.

(1922 Code, Sec. 1021; 1936 Code, Sec. 10-1306; 1952 Code, Sec. 14-1106)

#### **Section 9-10-15            TELEPHONES; REGULATING USE**

No person shall place or use any telephone in any doorway leading from the street to any building. No person shall place or use any telephone upon the exterior of any building. No telephone company shall install a telephone in such cases.

The Mayor and Council may by resolution authorize the use of telephones in such places and telephones so placed by licensed taxicab drivers or other persons if in the judgment of the Council it is compatible with the public interest. Any person violating the provisions of this Section shall be deemed guilty of a misdemeanor, and all such instruments shall be removed by the Building Inspector.

(1922 Code, Sec. 622; 1936 Code, Sec. 10-908; 1952 Code, Sec. 14-1107)

**Section 9-10-16 UTILITY POLES**

All poles hereafter set up or erected in the streets of the City for the purpose of suspending thereon or therefrom wires for transmission of telegraph or telephone messages, or for use in furnishing electric light or power, and all hydrants for supplying water for the use on the street or for fire purposes, shall be between the curb line and the lot line, and be so located and placed that the side or part of such pole or hydrant next to the curb shall be twelve inches (12") from the curb line.

(1922 Code, Sec. 1045; 1936 Code, Sec. 10-909; 1952 Code, Sec. 14-1108)

**Section 9-10-17 UTILITY POLES; REMOVAL**

Whenever it shall be deemed necessary by the Council to pave any street, or whenever it shall be necessary to construct any sidewalk on any street, on or along which utility poles have been heretofore erected not in conformity with the provisions of the preceding Section, notice shall be served upon the person in control of such poles to remove and reset the same in accordance with the provisions of the preceding Section within five (5) days after service of notice. And, every pole under the control of any person so notified which is not removed or reset within five (5) days, shall be deemed a nuisance.

(1922 Code, Sec. 1046; 1936 Code, Sec. 19-910; 1952 Code, Sec.14-1109)

**Section 9-10-18 GUTTERS; CLEANING**

Every owner, agent or occupant of any real property shall at all times keep gutters or ditches in front of such property in a clean condition, free from all obstruction or weeds, and of sufficient depth and width to at all times readily convey irrigating or surface water without any overflow upon streets or sidewalks.

(1922 Code, Sec. 1044; 1936 Code, Sec. 10-929; 1952 Code, Sec. 14-1110)

**Section 9-10-19 PENALTY**

Any person violating any of the provisions of the preceding Section, or parading, marching or taking part in any performance of like nature and character, upon any of the streets or parts of streets of said City, other than those designated by the Mayor of Boise City, as provided in the preceding Section, shall be deemed guilty of a misdemeanor.

(1922 Code, Sec. 624; 1936 Code, Sec. 10-912; 1952 Code, Sec. 19-1405)

**Section 9-10-20 PENALTY**

Any person violating the provisions of the preceding Sections shall be deemed guilty of a misdemeanor, and in addition such persons shall be liable for damages to such street or streets by reason of violation of the provisions of the preceding Section, such damages to be recovered by the City of Boise City before any court of competent jurisdiction.

(1922 Code, Sec. 1028; 1936 Code, Sec. 10-1006; 1952 Code, Sec. 14-706)